

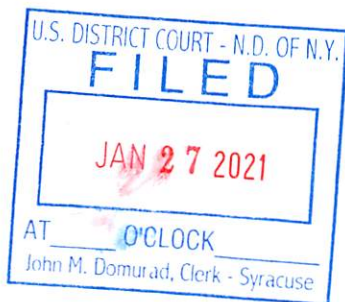
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

**UNITED STATES OF AMERICA**

**v.**

**KYLE M. LEEPER,**  
also known as “Bud,” “Freddy,”  
and “Shorty,”  
**EDGAR J. ARREDONDO,**  
also known as “Dino” and “Papi,”  
**JOSE PIMENTEL, JR.,**  
also known as “Matthew  
Zimmerman,” “Gordo Kennels,”  
and “Jorge Kutthroats,” and  
**JOHN C. RICE,**

**Defendants.**



Criminal No. 5:19-CR-301 (DNH)

Third Superseding Indictment

Violations: 21 U.S.C. § 848(e)(1)(A)  
[Intentional Killing by a Person  
Engaged in a Controlled  
Substance Offense]

21 U.S.C. §§ 846 & 841(a)(1)  
[Conspiracy to Distribute and  
Possess with Intent to Distribute  
Controlled Substances]

21 U.S.C. § 841(a)(1)  
[Possession with Intent to  
Distribute a Controlled  
Substance]

18 U.S.C. § 924(c) and (j)(1)  
[Discharge and Murder by Use  
of a Firearm During and In  
Relation to a Drug-Trafficking  
Crime]

18 U.S.C. § 922(g)(1)  
[Possession of a Firearm and  
Ammunition by a Felon]

Five Counts and Forfeiture Allegations

County of Offense: Cortland

**THE GRAND JURY CHARGES:**

**COUNT ONE**

**[Intentional Killing by a Person Engaged in a Controlled Substance Offense]**

On or about January 17, 2019, defendant **KYLE M. LEEPER**, also known as “Bud,” “Freddy,” and “Shorty,” while engaging in an offense punishable under Section 841(b)(1)(A) of

Title 21 of the United States Code, specifically a conspiracy occurring in Cortland County in the Northern District of New York and elsewhere from around December 2018 to on or about February 19, 2019, to knowingly and intentionally distribute and possess with intent to distribute one or more controlled substances, which violation involved 50 grams or more of methamphetamine, intentionally killed another person, with such killing resulting, in that defendant **KYLE M. LEEPER** repeatedly shot Robert Chavez with a firearm, thereby killing him, all in violation of Title 21, United States Code, Section 848(e)(1)(A).

## **COUNT TWO**

### **[Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances]**

From around December 2018 to on or about February 19, 2019, in Cortland County in the Northern District of New York and elsewhere, defendants **KYLE M. LEEPER**, also known as “Bud,” “Freddy,” and “Shorty”; **EDGAR J. ARREDONDO**, also known as “Dino” and “Papi”; **JOSE PIMENTEL, JR.**, also known as “Matthew Zimmerman,” “Gordo Kennels,” and “Jorge Kutthroats”; and **JOHN C. RICE** conspired with each other and others to knowingly and intentionally distribute and possess with intent to distribute one or more controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. As to defendants **KYLE M. LEEPER, EDGAR J. ARREDONDO, JOSE PIMENTEL, JR., and JOHN C. RICE** that violation involved 50 grams or more of methamphetamine, a schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A)(viii).

**COUNT THREE**  
**[Possession with Intent to Distribute a Controlled Substance]**

On or about February 19, 2019, in Cortland County in the Northern District of New York, defendant **KYLE M. LEEPER**, also known as “Bud,” “Freddy,” and “Shorty” knowingly and intentionally possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), which violation involved 50 grams or more of methamphetamine, a schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A)(viii).

**COUNT FOUR**  
**[Discharge of and Murder by Use of a Firearm**  
**During and In Relation to a Drug-Trafficking Crime]**

On or about January 17, 2019, defendant **KYLE M. LEEPER**, also known as “Bud,” “Freddy,” and “Shorty,” knowingly and intentionally used and carried a firearm—specifically a .380 caliber pistol fitted with a barrel with six grooves and a left twist—during and in relation to a drug trafficking crime for which a person may be prosecuted in a court of the United States—specifically, a conspiracy occurring in Cortland County in the Northern District of New York and elsewhere to knowingly and intentionally distribute and possess with intent to distribute one or more controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846—and knowingly possessed such firearm in furtherance of such federal crime, and intentionally discharged such firearm and by doing so caused the death of a person through the use of such firearm, which killing was murder as defined in Title 18, United States Code, Section 1111(a), in that defendant **KYLE M. LEEPER** unlawfully shot and killed Robert Chavez with malice aforethought and did so (a) willfully, deliberately, and maliciously, and with premeditation, and

(b) during the perpetration of a kidnapping, in violation of Title 18, United States Code, Section 1201, all in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii) and (j)(1).

**COUNT FIVE**  
**[Possession of a Firearm and Ammunition by a Felon]**

On or about February 19, 2019, in Cortland County in the Northern District of New York, defendant **KYLE M. LEEPER**, also known as “Bud,” “Freddy,” and “Shorty,” knowing that he previously had been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting commerce a firearm and ammunition, all of which had been shipped and transported in interstate commerce, specifically: a COBRA Enterprises, Inc. Model FS380, .380 caliber pistol, serial number FS115720, manufactured in Utah; 156 rounds of Remington UMC Brand .380 caliber ammunition manufactured in Arkansas; one (1) round of Remington 9mm Luger ammunition manufactured in Arkansas; one (1) round of Winchester 9mm Luger (silver) ammunition manufactured in Illinois or Mississippi; two (2) rounds of Winchester 9mm Luger (gold) ammunition manufactured in Illinois or Mississippi; one (1) round of Winchester 9mm Luger (WCC) ammunition manufactured in Illinois or Mississippi; and two (2) rounds of Speer 9mm Luger ammunition manufactured in Idaho, all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**FORFEITURE ALLEGATIONS**

1. The allegations contained in Count Two of this third superseding indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Sections 841(a)(1) and 846, defendant **KYLE M. LEEPER**, also known as “Bud,” “Freddy,” and “Shorty,” shall forfeit to the United States of America any property constituting, and derived from, any proceeds obtained, directly or indirectly, as the result of such offense; and any property used, and intended to be used, in any manner or part, to commit, and to facilitate the commission of, the offense. The property to be forfeited includes, but is not limited to, the following:

a. \$429.00 in U.S. currency.

3. The allegations contained in Count Five of this third superseding indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

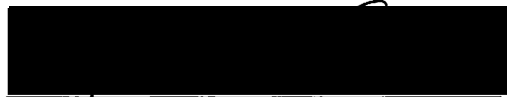
4. Upon conviction of the offense in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), set forth in Count Five of this third superseding indictment, defendant **KYLE M. LEEPER**, also known as “Bud,” “Freddy,” and “Shorty,” shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, that is:

a. A COBRA Enterprises, Inc. Model FS380, .380 caliber pistol, serial number FS115720; and

- b. 156 rounds of Remington UMC Brand .380 caliber ammunition; one (1) round of Remington 9mm Luger ammunition; one (1) round of Winchester 9mm Luger (silver) ammunition; two (2) rounds of Winchester 9mm Luger (gold) ammunition; one (1) round of Winchester 9mm Luger (WCC) ammunition; and two (2) rounds of Speer 9mm Luger ammunition.

Dated: January 27, 2022


A TRUE BILL      \*NAME REDACTED\*



Grand Jury Foreperson

CARLA B. FREEDMAN  
United States Attorney

By:



Steven D. Clymer  
Assistant United States Attorney  
Bar Roll No. 509281